

REMARKS

Applicant is in receipt of the Office Action mailed July 22, 2009. Claims 2-7 and 9-22 were pending in the application, and were rejected. Claims 2, 4, 17-20 and 22 have been amended. Reconsideration of the case is earnestly requested in light of the following remarks.

Section 112 Rejection

Claims 2-7 and 9-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states:

It is unclear to the Examiner what Applicant is claiming as the claims, now, taking for example independent claim 2, merely recite one or more processor and a memory with executable instructions and the Examiner assumes that the limitations following the wherein phrase are not performed since the program instructions need to be executed by the one or more processors.

Applicant respectfully traverses this rejection and submits that the question of whether the program instructions need to be executed by the one or more processors is not relevant to the question of whether the claim is definite under 35 U.S.C. 112. Claim 2 recites a system which comprises an input device, one or more processors, and memory storing program instructions which are executable by the one or more processors to perform the operations recited after the wherein phrase. Applicant respectfully submits that the scope of the claim is clearly defined, and the claim is not indefinite under 35 U.S.C. 112, second paragraph. The claim clearly recites particular elements which are included in the system, including memory storing program instructions which are executable by the one or more processors to perform particular operations. Accordingly, Applicant respectfully submits that this rejection is erroneous and requests removal of the rejection.

Section 101 Rejection

Claims 18, 20 and 22 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Examiner states that the claims are merely directed to

software *per se*, and are therefore non-statutory. Applicant respectfully traverses this rejection. The amended claims are not directed to software *per se*, but are instead directed to a tangible computer-readable memory medium. The tangible computer-readable memory medium stores program instructions which are executable to perform the recited operations. Applicant respectfully submits that this is well-recognized by the U.S. Patent and Trademark Office as statutory subject matter, and many issued patents contain similar claims. Accordingly, Applicant respectfully submits that this rejection is erroneous and requests removal of the rejection.

Section 103 Rejection

Claims 2-7 and 9-22 were rejected under 35 U.S.C. 103 as being unpatentable over Blake et al., U.S. Patent No. 5,574,854 (hereinafter “Blake”), in view of Bilger, U.S. Patent No. 6,912,429 (hereinafter “Bilger”), and further in view of Elliott et al., U.S. Patent Application Pub. No. 2002/0064149 (hereinafter “Elliott”). Applicant respectfully traverses this rejection.

The amended claim 2 recites in pertinent part, “selectively route the request for input to either a simulation program or the input device, depending on whether the simulation mode is turned on or off”. The Examiner admits on p. 2 of the Office Action that the combination of Blake and Bilger fails to teach selectively routing the request for input to either a simulation program or the input device, depending on whether the simulation mode is turned on or off. Applicant respectfully submits that the further combination with Elliott still fails to teach this feature.

With regard to this feature, the Examiner cites FIG. 52 and paragraph 3478 of Elliott. Elliott teaches here that the incoming call router 5240 selectively routes incoming requests to the exterior packet filter 5130 of DMZ 5105 over a communications link such as T1 line 5250. It is unclear to Applicant what Elliott means by selectively routing incoming requests to the exterior packet filter 5130 since Elliott does not explain the selective routing, but it appears to Applicant that what Elliott means is that the router 5240 routes some requests to the exterior packet filter 5130, but not others. Elliott does not teach selectively routing a request for input to either a simulation program or an input device, as recited in the claim.

Furthermore, Applicant respectfully submits that the combination of Elliott with Blake and Bilger fails to teach the recited feature of, “selectively route the request for input to either a simulation program or the input device, depending on whether the simulation mode is turned on or off”. Blake teaches the routing of requests to a simulation program. The requests are not selectively routed to either the simulation program or something else, depending on whether the simulation mode is turned on or off. Similarly, Elliott teaches the routing of requests to an exterior packet filter. The requests are not selectively routed to either the exterior packet filter or something else, depending on whether the simulation mode is turned on or off. Applicant respectfully submits that the cited references, taken either singly or in combination, simply do not teach the recited feature of, “selectively route the request for input to either a simulation program or the input device, depending on whether the simulation mode is turned on or off”.

Applicant thus respectfully submits that the combination of the cited references does not teach the features recited in claim 2, for at least the reasons set forth above. Thus, claim 2 is patentably distinct over the cited art for at least this reason. Independent claims 17 and 18 recite similar subject matter as claim 2, and are thus also believed to be patentably distinct over the cited art.

Since the independent claims are patentably distinct over the cited art, the dependent claims are also patentably distinct, for at least this reason. In addition, Applicant respectfully submits that numerous ones of the dependent claims recite further distinctions not taught or suggested by the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-42901/JCH.

Also filed herewith are the following items:

- ☐ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Jeffrey C. Hood/

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